

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

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September 22, 2011

MEMO TO COUNSEL RE: Verizon Maryland, Inc. v. Core Communications, Inc, et al.
Civil No. JFM-08-503

Dear Counsel:

I have reviewed the memoranda submitted in connection with plaintiff's motion for summary judgment.

It appears rather clear to me that plaintiff is correct to the extent that it argues that it cannot be held liable for a claim for breaching an implied duty of good faith and fair dealing since Maryland law is clear that although such a claim can be asserted as a breach of contract claim, it does not exist as an independent cause of action. At the same time the Fourth Circuit has expressly remanded the case to me to determine whether plaintiff did breach its implied duty of good faith and fair dealing. Presumably, the Fourth Circuit asked me to make this finding in regard to defendant's claim for breach of contract.

In any event, it is not clear to me what the effect of my granting plaintiff's motion for summary judgment would be. Perhaps in a manner not now known to me, granting the motion would somehow affect defendant's claim for damages. Accordingly, plaintiff's motion is denied without prejudice to being renewed at a later stage of the litigation.

A conference call will be held on October 11, 2011 at 5:00 p.m. to discuss the appropriate schedule in this case. I ask counsel for plaintiff to initiate the call.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,

/s/

J. Frederick Motz
United States District Judge